



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

P

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-----------------------|
| 10/009,474 | 11/16/2001 | Stuart Lawson | GJ-225J | 1719 |
| 7590 | 06/28/2004 | | EXAMINER | KRISHNAMURTHY, RAMESH |
| Iandiorio & Teska 260 Bear Hill Road Waltham, MA 02451-1018 | | | ART UNIT | PAPER NUMBER |
| | | | 3753 | |
| DATE MAILED: 06/28/2004 | | | | <i>12</i> |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/009,474 | LAWSON, STUART |
| | Examiner | Art Unit |
| | Ramesh Krishnamurthy | 3753 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 June 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 11-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 11, 12, 13, 14, 15 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

This office action is responsive to communications filed 06/17/2004.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission submitted on 05/10/2004 and that received on 06/17/2004 has been entered.

2. **Claims 11 – 15 are pending.**

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed "plurality of reed valves" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as

per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 11 – 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure as originally filed does not provide support for the claimed “plurality of reed valves”.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 12 – 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Each of the claims 12 – 15 recites “ a valve assembly” in line 1 that is inconsistent with the preamble of the parent claim 11 that calls for “ a valve plate assembly”.

Art Unit: 3753

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 11 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-213077 or by Becker et al. (US 5,275,541).

The document JP 10-213077 (equivalent to US 6,116,866) discloses a valve assembly for a pump, comprising a port (2) disposed in a valve plate (4), the port being opened and closed by a reed and comprising a tube (8) attached to the valve plate (4), extending vertically into a suction gas chamber that is in communication with the port (2) extending vertically above the port (2) on a side of the port remote from the reed, and the tube (8) being of such a size that, in the use of the valve assembly, the tube contains a column of fluid. A suction chamber is considered inherent to the valve assembly of JP 10-213077.

To one of ordinary skill in the art it is clear that the length of the tube (8) is at least several times (certainly more than twice) the diameter of the port (2) and thus has a column of fluid against which the reed in port (2) has to operate. The fluid in tube (8) is a real fluid that has viscosity and thus to one of ordinary skill in the art, it is an inherent feature that the column exerts a damping effect (via friction) on the motion of the reed. Thus, to one of ordinary skill in the art, the tube (8) is inherently a damping means that serves to provide substantial mechanical damping of the motion of the reed.

Becker et al. (US 5,275,541) discloses (Fig. 1 for example) a valve assembly of a fluid pump (1) comprising a port (23) disposed in a valve plate (4), the port being opened and closed by a reed (25) and comprising a tube (21) that is attached to the valve plate (4), the tube being in communication with the port (23), extending vertically above the port (23) into a suction chamber (20), on a side of the port remote from the reed, the tube (21) being of such a size that, in the use of the valve assembly, the tube contains a column of fluid.

To one of ordinary skill in the art it is clear that the length of the tube (21a) is at least several times (certainly more than twice) the diameter of the port (24a) and thus has a column of fluid against which the reed in port (24a) has to operate. The fluid in tube (21a) is a real fluid that has viscosity and thus to one of ordinary skill in the art, it is an inherent feature that the column exerts a damping effect (via friction) on the motion of the reed. Thus, to one of ordinary skill in the art, the tube (21a) is inherently a damping means that serves to provide substantial mechanical damping of the motion of the reed.

Response to Arguments

11. Applicant's arguments filed 06/17/2004 have been fully considered but they are not persuasive. Applicant is essentially arguing that neither of the applied references discloses the tube to be attached to the valve plate and that the tube extends into a suction chamber. However each of the references applied in the rejection does disclose these features as set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is

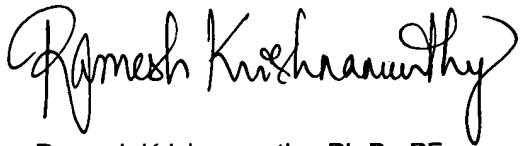
Art Unit: 3753

(703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel, can be reached on (703) 308 - 1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy, Ph.D., PE
Primary Examiner
Art Unit 3753